



STATE OF NEW MEXICO
WATER QUALITY CONTROL COMMISSION
1190 St. Francis Drive
P.O. Box 26110
Santa Fe, New Mexico 87502
(505) 827-2425

CONSTITUENT AGENCIES:

Environment Department
State Engineer & Interstate Stream Commission
Game and Fish Department
Oil Conservation Division
Department of Agriculture
State Parks Division
Soil and Water Conservation Commission
Bureau of Mines and Mineral Resources
Members-at-Large

Minutes of the
New Mexico Water Quality
Control Commission Meeting
June 13, 2000

The New Mexico Water Quality Control Commission (WQCC) meeting was held on June 13, 2000 at 9:00 a.m. at the State Capitol Building, room 317, Corner of Paseo de Peralta and Old Santa Fe Trail, Santa Fe, New Mexico.

Members Present:

Peter Maggiore	Chairman, New Mexico Environment Department
Richard Hansen	Department of Game and Fish
Bill Olson	Oil Conservation Division
Ricardo Rel	Department of Agriculture
Dave Johnson	State Parks Division
Howard Hutchinson	Soil and Water Conservation Commission
Lynn Brandvold	Bureau of Mines and Mineral Resources
Paul Gutierrez	Member-at-Large
Irene Lee	Member-at-Large
Steve Glass	Member-at-Large

Members Absent:

Tom Turney	State Engineer & Interstate Stream Commission
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Others Present:

Daniel Rubin	WQCC Counsel
Tamella Lakes	WQCC Administrator
Steven Pierce	NMED/SWQB
Jolene L. McCalcb	San Juan Water Commission
Joe Trumin	Molzen-Corbin & Associates
Erik Galloway	NMED/SWQB

Jennifer G. Ruby	NMED/OGC
Qustanni Kassisieh	City of Santa Fe
Marcy Leavitt	NMED/GWQB
Greg Lewis	NMED/WWMD
Jay Lazarus	Glorieta Geoscience, Inc.
Julie Maitland	NMDA
Haywood Martin	NMED/CPB
Jennifer Prada	NMED/CPB
Ramona Rael	NMED/CPB
Daniel Johnson	NMED/CPB
Jennifer Marinek	Molzen-Corbin & Associates
Richard Virtue	Virtue Najjar Law Firm
Regina Romero	NM Municipal League
Bill Brancard	State Land Office

Chairman Maggiore called the meeting to order at approximately 9:11 a.m.

Item 1: Roll Call.

Tamella L. Lakes, WQCC Administrator took roll call.

Chairman Maggiore welcomed a new Member-at-Large to the Water Quality Control Commission, Mr. Steve Glass. Mr. Glass is the Technical Programs Manager for the City of Albuquerque's Wastewater Utility Division. Mr. Glass was appointed by Governor Johnson on June 9, 2000 to replace Mr. Alberto Gutierrez.

Item 2: Approval of the agenda.

Mr. Johnson moved to approve the agenda. Mr. Rel seconded the motion. The motion passed unanimously.

Item 3: Approval of the May 9, 2000, minutes.

Mr. Rubin advised the Commission that it should not table the minutes. The Commission should either approve them or disapprove them and ask that they be resubmitted at a later meeting for review.

Mr. Olson moved to disapprove the May 9, 2000, minutes. Mr. Olson wished to have a brief description of the Department of Game and Fish's presentation on the deployment of piscicide in Costilla Creek, South Ponil Creek and Poso Creek added to the minutes of May 9, 2000. Mr. Hutchinson seconded the motion. The motion passed unanimously. The May 9, 2000, minutes will be resubmitted at the July 11, 2000, meeting for approval.

Item 4: Approval of the revisions to the April 11, 2000 minutes.

Ms. Lakes, WQCC Administrator stated that Mr. Virtue, Counsel for LANL, questioned his statement as it was written in the second paragraph of item number four, of the approved minutes of April 11, 2000. Ms. Lakes went back and checked the meeting tapes, and made the appropriate changes. Ms. Lakes asked that the Commission re-approve the April 11, 2000, minutes, as amended.

Ms. Brandvold moved to approve the amended April 11, 2000, minutes. Mr. Hutchinson seconded the motion. The motion passed unanimously.

Item 5: Deliberation and acceptance of the Statement of Reasons and Order for the hearings

in the matter of the Petitions of the Department of Game and Fish for Approval of the Use of a Piscicide in White Creek, Costilla Creek, South Ponil Creek and Poso Creek

Mr. Hansen recused himself from this agenda item.

Ms. Brandvold moved to approve the Statement of Reasons and Order for the hearings in the matter of the Petitions of the Department of Game and Fish for Approval of the Use of a Piscicide in White Creek, Costilla Creek, South Ponil Creek and Poso Creek. Mr. Olson seconded the motion.

Mr. Hutchinson asked why the minutes of May 9, 2000, states that reasonable notice will be given to all downstream landowners, and the condition in the statement of reasons has reasonable notice to all downstream users. Mr. Rubin stated that in the hearing the Commission agreed that it would be difficult at times to determine who actually owns land in the area so "landowners" was changed to "users" and reasonable notice was left to the discretion of the Department of Game and Fish.

The motion passed unanimously.

Item 6: Request for hearing to consider adopting segment-specific dissolved oxygen criteria for the lower Santa Fe River, Segment 2110 of the water quality standards (20.6.1 NMAC) and to make minor changes in 1105.F, 1105.K and 2401.

Mr. Steve Pierce, Program Manager, Surface Water Quality Bureau stated that a major component of a TMDL is a reasonable assurance that implementation of the TMDL will result in the water body meeting the appropriate water quality standard. The water quality standard contain a site-specific numeric temperature standard for water quality segment 2110 of 30°C and a use-specific numeric dissolved oxygen standard of 6.0 mg/L, applicable to the designated use of marginal coldwater fishery. This use-specific dissolved oxygen criterion has applied to all marginal coldwater fisheries since the 1995 revision of the New Mexico water quality standards. It has been determined through modeling and through calculation by EPA that there can be no reasonable assurance that the Santa Fe River will attain the dissolved oxygen standard of 6.0 mg/L during warm summer months. The only alternatives for EPA in this situation are to set an NPDES permit limit for the Santa Fe WWTF plant that is so strict they would be forced to stop discharging treated effluent to the Santa Fe River, or to request that NMED propose to the Commission that they adopt a more appropriate standard. The Surface Water Quality Bureau is requesting a hearing at the Commission's regular meeting in August to change the site-specific standard for dissolved oxygen to 5.0 mg/L, the level recommended by EPA. This proposed change has been discussed with the City of Santa Fe and the Forest Guardians, and they are both in agreement with the proposed change.

The Bureau is also proposing to clean up two errors in the water quality standards. In section 1105.F the Bureau proposes to change an internal reference from "1102.F" to "1105.F." In section 1105.K the Bureau proposes to change the date of the last review of the "Water Quality Standards for Salinity, Colorado River System" from 1996 to 1999. In section 2401 the Bureau proposes to remove a redundant word.

Mr. Gutierrez moved to set a hearing at the Commission's August 8, 2000, meeting to consider adopting segment-specific dissolved oxygen criteria for the lower Santa Fe River, Segment 2110 of the water quality standards (20.6.1 NMAC) and to make minor changes in 1105.F, 1105.K and 2401. Ms. Brandvold seconded the motion. The motion passed unanimously.

Item 7: Other Business

Mr. Gutierrez asked if the Commission could get an update on the arsenic standards. Chairman Maggiore stated that approximately a week and a half ago, EPA published in the Federal Register their proposed drinking water MCL for arsenic. They are proposing 5 ppb, which is lower than the current standard of 50 ppb. They are requesting comments on 3, 10 and 20 ppb. Chairman Maggiore stated that the Department has gone on the record as opposing a 5 ppb standard because they feel that adequate science does not exist to justify it.

Mr. Hutchinson stated that he is concerned about the Department’s Wetlands Conservation Plan. The letter accompanying the document to EPA stated that the document is in final form since no governing body was required for approval and implementation is on a voluntary basis. There is language in the document implying that they are regulations, and the possibility exists that the comments could evolve into requirements as EPA changes their regulations, especially with regard to nonpoint sources of pollution. Mr. Hutchinson was under the impression that the document would be brought back to the Commission for final review before being sent to EPA. Because it appears that the document is actually formulating a standard, it should have some kind of public review.

Mr. Davis stated that the document is only for reference and does not carry regulatory authority. For that reason it was published as is.

Mr. Davis gave the Commission an update on the draft 2002 303(d) list. Two months ago the Commission extended the comment period for 60 days; that period ended June 12, 2000. During that time the Department received comments from eleven entities, both public and private. As a result of these comments, the Bureau anticipates some minor changes to the 303(d) list. The list should be brought to the Commission at its July meeting for the Commission’s review and approval.

Item 8: Next Meeting

The next meeting of the WQCC will be held on July 11, 2000, in Santa Fe, New Mexico.

Item 9: Hearing – WQCC 00-02 (R), Proposed amendment to 20.7.5, 20.7.6 and 20.7.7 NMAC – Wastewater Facility Construction Loans General Provisions.

Ms. Brandvold moved to approve the amendments to 20.7.5, 20.7.6 and 20.7.7 NMAC – Wastewater Facility Construction Loans General Provisions. Mr. Johnson seconded the motion.

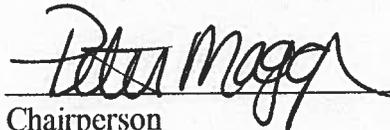
Roll Call

Peter Maggiore	Yes
Tom Turney	Absent
Bill Olson	Yes
Dave Johnson	Yes
Ricardo Rel	Yes
Richard Hansen	Yes
Lynn Brandvold	Yes
Howard Hutchinson	Yes
Steve Glass	Yes
Paul Gutierrez	Yes
Irene Lee	Yes

The motion passed.

Mr. Olson moved to have Counsel for the WQCC prepare a Statement of Reasons and Order for the adoption of the approved regulations. Ms. Brandvold seconded the motion. The motion passed unanimously.

Ms. Brandvold moved to adjourn. Mr. Rel seconded the motion. The motion passed unanimously.



Chairperson